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CCET MEMO

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Secretariat, Christian Consultation on East Timor (CCET)

TO: CCET participants and partners

RE: **CCET options for 1997-98; a basis for discussion at September CCET.**

DATE: August 1997 **2 pages inc.**

In anticipation of our meetings on September 13-14 in Lisbon, the CCET Steering Committee asked CIIR to table a paper with ideas on action option for the coming year. Victor Scheffers of Netherlands J&P has written a complementary paper on options for institutionalising the CCET, a copy of which is also enclosed as a stimulus to our discussions in Lisbon.

Five assumptions underpin this paper:

1. Solidarity work on East Timor involves distinct but related activities including carrying out urgent actions on human rights violations, supporting development projects on the ground, engaging in international advocacy and raising public awareness.
2. There are networks which coordinate some of these activities, for example, the East Timor Caritas-CIDSE Forum (ETCCF) coordinates development cooperation on the ground.
3. CCET should therefore focus on coordinating international advocacy work, on East Timor, by christian organisations, in discrete liaison with the ETCCF.
4. This should include coordination with secular networks including the International Federation for East Timor (IFET) and the Asia-Pacific Coalition for East Timor (APCET).
5. This also requires focusing on a few carefully-selected and achievable policy objectives, based on a clear division of labour and a collective commitment to collaboration.

These points may seem obvious, but it seems important to stress them given CCET's unsatisfactory record of following through on the ambitious plans agreed to in past years. On the positive side, our experiences in coordinating advocacy vis-a-vis the UN Commission on Human Rights in early 1997 and more recently towards the European Commission's aid package for East Timor, show that it is well worth focusing on selected advocacy initiatives rather than taking on too many campaigns at particular points in time.

The following ideas for campaigns which we could coordinate in 1997-98 are offered simply as a starting point for discussion in Lisbon. You will see that they correspond to the working groups proposed on the invitation distributed with the 30 April 1997 CCET memo. Please recall our suggestion, on the invitation, that no working group or campaign will be launched unless there is a clear commitment from at least one agency to lead, and from others to participate in work on that issue. I think we all agree that actions speak louder than words.

1. Human rights

A working group on human rights could coordinate advocacy on the implementation of the resolution adopted, on East Timor, at the 53rd session of the UN Commission on Human Rights. Within that framework, it could focus on the goal of getting the international community to convince the Government of Indonesia (GoI) to invite the Special Rapporteur on Torture to visit ET in 1997. In addition, the group could support the call by many Timorese for on-site UN human rights monitoring, though it is worth considering whether this is an achievable objective in the short run and whether it might get us bogged down in the debate over the upgrading of the Memorandum of Intent signed in 1994. This could be a prelude to lobbying in the run-up to UNCHR 54 in March-April 1998. Maria Brett of the East Timor Centre for Human Rights in Australia has agreed to play a leading role in this group.

2. Official development assistance

A working group on development aid could focus on following up on the lobbying which several of us are already doping on the EC aid package for East Timor. Alternately, we could broaden this to include monitoring and influencing the aid policies of key bilateral donors, including USAID, AUSAID and the UK DfID, perhaps with a view to influencing the outcome of the Consultative Group on Indonesia meeting in July 1998. CIIR might be willing to lead this group, preferably in partnership with a development NGO; CAFOD has indicated an interest in liaising between the ETCCF and a CCET working group on this theme.

3. Security cooperation

Many of us are concerned about the sales of arms and other forms of security cooperation with the GoI, some of which has a direct impact on the situation in East Timor. Bishop Belo spoke out clearly against the sale of arms to Indonesia at his CAFOD millennium lecture in June 1997. There are strong campaigns against security cooperation in countries like the US and UK. A CCET working group might be able to add to their work by mobilising church structure to support a coordinated international campaign on this issue. Pax Christi International decided, at its annual meeting in July, that it could play a facilitating role in this regard.

Other options

In principle there is no reason why the CCET could not coordinate advocacy on other issues, or even other forms of collaboration across borders. Yet until we receive concrete offers to lead and join other efforts, CIIR will not invest resources in exploring other ideas.

Nonetheless, it is worth noting that there are opportunities for linking campaigning across issues. Several agencies are exploring the possibility of getting the Commissie of European Catholic Bishops to adopt, in November 1997, a statement on East Timor which could address the issues listed above as well as others, including the need for all parties to actively support UN mediation efforts, the need to press for an end to transmigration, etc. Once again, however, this initiative will require a leader and commitments from others in order to succeed.

Please come to Lisbon with concrete proposals on this score.

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9TH CHRISTIAN CONSULTATION ON EAST TIMOR, 13-14 September 1997

REVISED AGENDA

Saturday 13

10:00 Welcome, introductions and finalisation of agenda

10:30 The situation in East Timor and international responses:
Brief reports from the field
Brief reports on policy developments and campaigning in key countries
Discussion

11:45 Coffee

12:00 Presentation and discussion of draft CIIR paper on
"Understanding and influencing EU Policies on East Timor"
Presentation by Eilis Ward, Trinity College Dublin

1:00 Lunch

2:00 Report on CCET advocacy options for 1997-98, by Stephen Baranyi
Report on CCET institutional strengthening options, by Victor Scheffers
General discussion

3:00 Discussion of 1997-98 options in working groups (WGs):
I. Human rights advocacy
II. Development assistance advocacy
III. Other advocacy: eg. diplomacy or arms trade
IV. CCET institutional development

5:30 End. Social evening

Sunday 14

10:00 Tea and welcome
Reports from WGs and plenary discussion to finalise 1997-98 plans:

10:30 WG I
11:30 WG II

12:30 Lunch

1:30 WG III
2:30 WG IV

3:30 Any other business.

4:00 END

Guidelines for CCET 8 working groups

The aim of the working group sessions on Saturday afternoon is to come up with sound proposals for coordinated action on your particular theme, by the CCET, in 1997-98. These proposals will then by discussed and finalised in plenary on Sunday.

As such, in the 2½ hours you have on Saturday afternoon, we urge you to discuss and come to agreements on the following points:

1. **The issue**(s) your WG proposes to focus on in 1997-98.

2. Objectives:

a) Your **policy influencing objectives.**

b) Your other objectives (eg. policy dialogue with Timorese partners).

3. The key **opportunities for influence** over the coming 8 to 16 months.

4. What **steps** your WG proposes to take to achieve influence:

a) Who your key decision-making targets will be.

b) How you propose to persuade key decision-makers (eg. letters, meetings, media coverage, coverage in newsletters like Timor Link).

c) Who will lead this work.

d) Who your partners will be and the division of labour you envisage.

e) What tools you will require to carry out your campaign.

f) Whether and how you plan to use existing e-mail conferences.

You may find it useful to draft a **calendar** of activities for your campaign.

5. How the **CCET Secretariat can help you** achieve your objectives (eg. by facilitating the dissemination of your requests for advocacy support or your reports to members, participating in advocacy work, providing strategic advice, etc.).

Please appoint a **rapporteur** who will be able to effectively communicate your proposals to the plenary on Sunday.

You may wish to use part of Saturday evening to float your proposals past members of other working groups, in order to get a sense of participants' overall priorities before the sessions on Sunday.

FIRST DRAFT/DISCUSSION DOCUMENT.

From Eilis Ward.
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NOT FOR CITATION

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EU Policy Towards East Timor.

While there has been no change in the status of the territory, the status of East Timor in the international environment has significantly altered in the past 18 months. In June 1996, the European Union (EU)[1] adopted a Common Position (CP) on East Timor which established that any solution to the problem of East Timor would have to be both internationally acceptable and based on international law.[2] At the United Nations Commission on Human Rights (UNCHR) in April 1997, a strongly worded resolution on East Timor was adopted by a clear majority which condemned the record of Indonesian human rights in the region.[3] During the summer of 1997, the UN sponsored tripartite talks between Indonesia and Portugal shifted gear to a new and, arguably, more secure level when it was agreed that officials of both governments rather than elected representatives would continue to lead the discussions. Finally, the intra-Timorese dialogue - also sponsored by the UN - was opened up to include more representative sections of East Timorese society.

Yet at the same time, evidence of human rights violations in the territory continued into early 1997[4] and eye witness' claims from the national elections held in May 1997 allege that they were not entirely above board.[5]

The increased profile that the situation of East Timor has achieved in these recent months coupled with the lack of real improvements on the ground raises questions about the role of transnational and international organisations in facilitating a solution in the territory. The function of this paper is to examine the involvement of one such transnational organisation -

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[1] The term EU will be used throughout to indicate the organisation which progressed through various guises from the 1950's up to date and thus at different historical times will refer to the European Economic Community, or the European Community (EC).
[2] Common Position 25 June 1996, No. 96/407 CFSP, *Official Journal of the European Union*, L168/2, 6 July 1996.
[3] Resolution on Situation of Human Rights in East Timor, 53rd session of the UNHRC, Geneva, 16 April 1997. See*Timor Link*, CIIR, No. 39, April 1997 for complete wording of the resolution.
[4] East Timor International Support Centre, *Human Rights Violations in East Timor*, ETISC, Melbourne, 1997.
[5] Carey, Peter, 1997. *Irish Times* 28 May 1997. "Wheels of history in Indonesia may be about to turn".

the EU - in the situation there and to suggest possible ways forward for both the EU as a single body and its members states including civil society organisations within those states.

The paper is presented in four sections. Section one will present a brief history of the EU's position on East Timor as it evolved over time. In order to do these, two decision-making institutions of the EU, European Political Co-operation (EPC) and the Common Foreign and Security Policy (CFSP) will be briefly explained. Section two will present an analysis of the common position itself. Section three will examine the attempts that have been made to date to implement the common position at political and diplomatic levels and in terms of the current development of an aid package. Section four will make recommendations for consideration by NGOs and solidarity/human rights groups for their lobbying activities on East Timor and raise some key issues for consideration.

Section One.

When the EU agreed the text of the common position on East Timor in June 1996, the document represented not just months but years of hard work by particular members states and Northern Voluntary Organisations (NVOs) campaigning on the issue.[6] Within the EU itself, the wording of the common position had been hammered out over a considerable period of time by officials and agreed at the Council of the European Union.

The Council defined the Common Position in five articles. The key articles however were the first which set out the general aims of policy and the second which set out specific approaches. The remaining articles simply conformed to the convention by indicating that the Council would be responsible for follow-up, that the common position would apply from the date of its adoption and that it would be published in the official Journal (of the EU). The CP read as follows:

Article 1
The European Union, referring to its previous declarations on the situation in East Timor, intends to pursue the following aims:
1) to contribute to the achievement by dialogue of a fair, comprehensive and internationally acceptable solution to the question of East Timor, which fully respects the interests and legitimate aspirations of the Timorese people, in accordance with international law;
2) to improve the situation in East Timor regarding respect for human rights in the territory.
Article Two
To pursue the aims referred to in Article 1, the European Union:

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[6] The term NVOs will be used throughout and refers to church organisations, aid agencies as well as solidarity and human rights groups which had been involved in lobbying and advocacy on East Timor at a national and international level. For a discussion on this and other competing terms see 'Introduction' to Baranyi, S. et al (Eds.) 1997.

1) supports the initiatives undertaken in the United Nations framework which may contribute to resolving this question;
2) supports in particular the current talks under the aegis of the United Nations Secretary General with the aim of achieving the solution referred to in point 1) of Article 1, effective progress towards which continues to be hampered by serious obstacles;
3) encourages the continuation of Inter-Timorese meetings in the context of this process of dialogue under the auspices of the United Nations;
4) calls upon the Indonesian government to adopt effective measures leading to a significant improvement in the human rights situation in East Timor. In particular by implementing fully the relevant decisions adopted in this connection by the United Nations Commission on Human Rights;
5) supports all appropriate action with the objective of generally strengthening respect for human rights in East Timor and substantially improving the situation of its people, by means of the resources available to the European Union and aid for action by NGOs.[7]

The European Union and East Timor: a brief history.

Most European countries had, effectively, ignored events in East Timor in December 1975, and those which followed, over the coming years. At the UN, ritualised participation in voting calls was the norm rather than any real discussion. Of historical importance, however, was resolution 3485, adopted by the General Assembly in December 1975, which condemned the Indonesian invasion and asserted the right of East Timorese to self-determination.[8] East Timor was never too far away from considerations over the coming years. A resolution passed in November 1979, for instance, requested the UN to provide relief within East Timor for refugees and children and another in November 1981 called on the UN humanitarian system to provide assistance to the region following an outbreak of famine.

Most EU members abstained on these and other resolutions. East Timor had quickly become an East/West issue of the Cold War. The pro-Timor motions, such as referred to above, emanated from within the Soviet bloc and were supported by its allies. Portugal was the one European exception to the East/West division as it consistently supported East Timor. It has also been suggested that the EU was reluctant to move on the issue of self-determination for East Timor because of the important role played by Indonesia in the region's relations with the ASEAN states.[9]

An analysis of the impact of Spain and Portugal's membership of the EU has made the case that it was Portugal, in fact, which brought East Timor directly into the scope of the EU through the framework for considering foreign policy issues which existed at the time - European Political Co-operation

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[7] Common Position of the European Union, June 25th 1996. See footnote 1.
[8] General Assembly resolution 3485, 12 December 1985, adopted by 72 votes to 10 with 42 abstentions.
[9] de Vasconcelos A, 1996: 125.

(EPC) following its accession in 1986.[10] The source of the Portuguese involvement does not just derive from an historical imperative based on its colonial legacy. Under its Constitution, adopted after the revolution of 1974, Portugal is legally obliged to 'promote and safeguard the right to self determination and independence of East Timor'. The Constitution, furthermore, empowers the Portuguese president and government to 'perform all acts necessary for achieving the(se) aims'[11] Portugal is recognised by the international community as the administrator in the region.

The European Parliament provided one arena where East Timor could be raised within Europe and between 1986 and (June) 1997, a total of 16 resolutions relating to East Timor were passed there. Many of these resolutions were tabled in response to particular incidents such as Indonesian repression during the visit to East Timor of Pope John Paul II in 1989. This motion referred to the 'genocide' being perpetrated by Indonesia in the territory.[12] Others were tabled as general statements of policy of the Parliament. In particular, a detailed resolution passed in October 1988 provided a comprehensive framework for further deliberations within the Parliament and set out 18 specific policy recommendations. These included a request to the Indonesian government to allow human rights organisations complete freedom within East Timor, a call to all governments of the EU to halt the sale of military equipment to Indonesian until the illegal occupation was ended and a request to the Council (of the European Community) to work towards achieving a cease-fire within the territory to enable a referendum to be held.[13]

In September 1988, the EC Presidency - then held by Germany - made explicit references East Timor in its address to the 43rd plenary session of the General Assembly of the UN. Speaking on behalf of the 12 members, the Presidency spoke of the need for an acceptable international settlement in the territory but fell short of reference to the right to self-determination of East Timorese peoples and of specifying the question of human rights. From this point on, however, we can see the evolution of a position albeit one which did not focus on the issue of self determination. Portugal's dropping of this question from how it framed the debate on East Timor may go some way to explaining this. **(why dropped? de Vasconcelos offers no explanation)**

A second comprehensive statement was issued by the European Parliament, within a broader context of EU relations with South-East Asia in October 1991, which again re asserted the right to self-determination of East Timorese and called for the holding of a referendum to determine the future of the territory.[14] A further theme under constant repetition within the European

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[10] de Vasconcelos, A (with accent)lvaro, 1996: 116.

[11] Constitution of the Portuguese Republic, 1989. Articles 293.1 and 293.2, (second revision).

[12] Resolution on the situation in East Timor. Doc. B3-524/89, Official Journal of the European Communities, No. C 323/107, 27 November 1989.

[13] Resolution on East Timor. Doc. A 2-143/88. Official Journal of the European Communities, No. C 262/142, 15 September 1988.

[14] Resolution on the situation in South-East Asia. Doc. A 3-0219/91. Official Journal of the European Communities, No. c 267/160, 14 October 1991.

Parliament from this time was the call for the sending of a delegation from the Parliament to the territory of East Timor.

It was the Santa Cruz massacre in November 1991 and the subsequent media coverage of the event which provided an important catalyst for the evolution of a particular position on East Timor within the EU. The Santa Cruz massacre had, not without tragic irony, provided the opportunity which was required and under significant pressure from Portugal, the EU issued a declaration condemning Indonesia.[15] But while some agreement was possible within the EU, the organisation's attempts to create a more global consensus of condemnation of Indonesia were less successful. During Portugal's Presidency of the European Union in 1992, an attempt to reach agreement among the, the 12, members EU towards a submission for the UNCHR was stymied in Geneva by US interests which sought a more conciliatory approach to Indonesia.[16] Such regard for the US's position within the UN arena must be seen in the global context of the Atlantic Alliance in which the EU, and some members in particular, considered the US as a partner when it came to issues of external relations.[17]

In 1994 the Council of the EU issued a statement expressing its concern over incidents in Dili. The statement reaffirmed the need for observance of human rights, particularly as regards freedom of worship and free access for international organisations to the territory. It also stated that such observance was necessary to create the conditions for the success of 'efforts undertaken under the auspices of the United Nations Secretary-General with a view to a just, lasting and internationally acceptable solution to the East Timor question'.[18] Some months later, in November of that year, the Council, in association with acceding countries Sweden and Norway, issued a statement expressing concern over the sentencing of Indonesian labour leader, Muchtar Pakpahan. The statement called on the Indonesian authorities to respect its commitments, under the International Labour Organisation (ILO).[19]

The failure of the EU to take a stronger line on East Timor earlier than 1996 may derive from the neo-liberal framework which drives how the EU itself operates internally and how it projects itself upon the world. Within this world view, strategic and economic interests set a broader frame than those set by human rights concerns and are rooted in a belief that securing economic relations and interdependency through trade provides the

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[15] Reference needed for declaration. The European Parliament had also issued a resolution condemning the massacre. See Joint resolution on the Massacre in East Timor. (replacing B3-1798,1806,1816,1822,1836, 1842 and 1861/91) Official Journal of the European Communities, No. c 326/182, 16 December 1991. (**check date of Council resolution).**

[16] de Vasconcelos, Alvaro, (1996): 126.

[17] See Forster, A & Wallace W. 1996, in Wallace and Wallace (eds.): pps 411 - 435 which details the US/EU relations in the integration process of the EUs foreign, security and defence policies.

[18] Council of the European Union, "Statement by the European Union on East Timor", 18 July 1994, P.65/94. Press Release.

[19] Council of the European Union, "Statement by the Presidency on Behalf of the European Union on Indonesia", 22 November 1994, P. 99.94, Press Release.

optimum method of promoting human rights and democracy in target countries. There is also, of course, the less lofty issue of simple trade protection and particularly protection of the arms trade between several EU members states and Indonesia. It is interesting to note that, within the European Parliament, contemporary resistance to specific EU's involvement in the region in the first place is rationalised on an argument that the cause of and the solution to East Timor's problems lie in the relationship between Portugal (as the departed colonial power) and Indonesia (as the invading power).[20] This argument seeks to logically infer that the international community, least of all the EU proper, has no role in the dispute. It is also the case however, that even if human rights abuses and issues of self determination were to carry equal weight to trade issues within the EU's external relations, some hierarchical organisation would be required to prioritise policies. While the issue of self-determination renders East Timor, de facto and de jure, a special case in international relations, human rights abuses are not particular to the territory. Put crudely, the East Timor issues must 'compete' with other urgent cases. Human rights abuses may be more acute there because of the illegal nature of Indonesian rule and the illegitimacy of the state but are common in other military regimes in Asia such as in Burma and Cambodia.[21]

In the period from the late 1980's until 1996 we can see how, under pressure, the EU's position on East Timor began to take shape. That shape was not one which necessarily pleased all members and all actors. Portugal and Ireland are among the two members which would have preferred stronger statements and a position which prioritised human rights and the issue of self-determination in terms of EU/Asean relations and in terms of how the members presented themselves at the UN General Assembly and Human Rights Commission. It was also a shape which fell short of the demands set by the European Parliament over that time.

How the CP was promulgated.

As is clear from the historical sketch provided here, the CP did not suddenly emerge from within the bureaucracy of the EU in isolation from the broader political context. Rather, it came as a result of years of lobbying and activism within by member states and without by NGOs and human rights groups as well as the activities of European Parliamentarians and sympathetic officials within the bigger EU structure. But before looking at how the CP actually emerged, a brief explanation of the institutions and institutional basis of EU policy formation will be presented here.

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[20] This type of argument provides the basis of resistance from European Parliament members, Bryan Cassidy (UK) and James L. Janssen Van Ray (Holland) to the declaration of principles (mission statement) of the Parliamentary Intergroup of Solidarity with the People of East Timor.

[21] See Amnesty International Report 1997, which includes, for instance details of human rights abuses in Indonesia itself and in two other Asian countries with military rule, Myanmar and Cambodia. Human rights abuses in Indonesia include those committed in Irian Jaya and Aceh, two regions where the Suharto regime faces armed resistance to its rule and in Indonesia proper where, for instance, a student pro-democracy movement is active.

What is the institutional basis from which foreign policy decisions are taken within the EU? The evolution of common positions on external policy must be understood within a context of a very slow and fraught evolution of a common approach to foreign policy generally within the EU. More than perhaps any other area, questions of foreign and security policies touch the nerve of sovereignty. Over time, the EU integration process both widened and deepened to include social policies, security and foreign policy. Up until the Maastricht Treaty of 1992 foreign policy co-operation was worked through the intergovernmental institutions of European Political Co-operation (EPC) but had never been rooted in any legal basis. The record of co-ordinated actions and positions under EPC was not good. It has been described as a way of managing foreign policy differences among members which excelled at, in fact, creating agreement to do nothing.[22] It was hoped that the CFSP, in its formal establishment in the Maastricht Treaty, would reduce the margin for individualistic interpretation and prevarication by reluctant member governments.[23]

The CFSP, as set out in the Maastricht Treaty of 1992,[24] set a procedure for establishing common positions among the members states on external relations and security questions. The goal was to create, not just a uniformity between states on their individual foreign policy agendas, but a singular voice - an integration of perspectives into one stand. An important means of achieving this was the requirement of consensus: all states would agree on the details and the thrust of the position before its adoption. Necessarily, a protracted log-rolling of positions occurs in which states with the strongest positions must compromise and shift towards a more widely acceptable middle ground. In this sense, the process of forming a common positions brings with it an inevitability of the lowest common denominator.

Much criticism of the CFSP process was made during the Yugoslavian war when the EU seemed incapable of acting in unison and acting to any effect. Rather fractious disagreements between EU members on their inability, for the first time in six years, to agree to a UNHRC resolution on China's human rights abuses in April of 1997 also indicate that achieving a collective position on human rights questions is by no means guaranteed. The Dutch Presidency was unable achieve a consensual condemnation of China when France, Spain, Italy and Germany objected to the strongly worded motion. According to one Beijing based analyst, the French and the Germans felt their commercial interests in China were being held hostage to 'moral concerns'.[25]

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[22] Holland, Martin 1995: 216.

[23] Holland, Martin 1995: xx.

[24] The CFSP came about with the Maastricht Treaty of 1992. Article J.2 of that Treaty established that, where necessary, a common position on a particular issue area would be adopted and that the national policies of all members states would adhere to that position.

[25] O'Cleary, Conor, 'Great leap backwards for Europe in refusal to condemn China on human rights abuses', in *Irish Times*, 8 April 1997.

The Treaty of Amsterdam, agreed during the Dutch Presidency of the EU in 1997, has brought some changes to how decisions are to be made within the CFSP. The emphasis on primarily achieving consensus has not been lost however. Rather a 'deconstructive abstention procedure' has been put in place which allows states withdraw from positions or actions without blocking action by the rest. For 'minor matters' being considered by the CFSP, decisions can be taken, not by unanimous voting, but by qualified majority voting. However, if any states objects for 'important and stated reasons of national policy' to a particular vote, it will not proceed unless the European Council decrees that it should.[26] While the changes under the Treaty of Amsterdam will not, in any way, alter the fact of the CP itself, it is, as yet, unclear whether its provisions could alter the desire to achieve consensus on implementation. It is possible, for instance, that states which feel that key national policies (such as trade) should not be compromised for the cause of human rights in East Timor may be in a position to utilise the deconstructive abstention procedure and thus diminish the impact of potential actions.

But exactly who makes the decisions and who is consulted within that process of decision making? One acknowledged expert on the transition from EPC to CFSP has commented that within the current CFSP arrangement it is 'difficult' to be precise about who makes foreign policy decisions.[27] However, we can look at what the formal arrangements are to glean some sense of the power lines.

It is useful to think of the EU, not as one monolith but, for the purposes of this case, three significant institutions each of which has its own interests, powers and functions. These roles may not always necessarily be smoothly co-ordinated. In fact, competition for authority and sovereign competence in particular areas can occur. In as much as national polities are sometimes characterised by tension between the various arms of the state, equally the polity of the EU is characterised by tension between its various arms. To complicate matters even further, the institutional and legal basis of the EU's external relations are still somewhat in flux. The aspiration of agreement on foreign policy intentions and goals may date back two decades but its reality is still in its early infancy.

In the division of labour within the EU it is the European Commission (headed by agreed Commissioners from the member states and supported by a permanent civil service organised into directorates according to competence) which has a monopoly on the power to make proposals. These may be prompted from several sources, from the European Council, from the Commission itself, by a court judgement and from other sources. Once put together, a proposal goes to the European Council, known as the Council (made up of representatives of members states, normally Ministers for External Affairs) which has the monopoly on enacting signing off proposals: turning them into policy. The Council is headed up by the Troika consisting

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[26] IGC Update 1997, Institute of European Affairs, No. 9, June: 5. Full reference to the Treaty of Amsterdam needed here.

[27] Holland, ibid.; 6.

of the current, the past and the future President. This position is rotated among the members states every six months. During its deliberations, the Council consults with the European Parliament (directly elected from the member states) which may offer its opinion and the Commission may be asked to redraft proposals on the basis of amendments. Every decision taken by the Council rests on a legal basis; an article of the Treaty concerned with the subject. Put in national political terms, the Parliament is equivalent to national parliaments, the Commission (albeit more powerful) to the civil service and the Council to the Cabinet.[28] Of interest here, in terms of accountability and the democratic input is the low level of influence which the Parliament has over the policy process. Changes in recent years have increased the Parliament's control over budgetary decisions somewhat and legally, a procedure does exist for the Parliament to negate a proposal. However the term 'democratic deficit' is still appropriate to describe the weakness of accountability to the democratic process within the system. This has implications for the bigger question of *who* sets the policy agenda in relation to foreign policy. In relation to the development and administration of aid policies this also has implications. been noted elsewhere. The absence of the kinds of democratic checks and balances which characterise the relationship between the parliament and the administration in national politics is particularly of concern given the dominance of the EU as a donor in the flows of aid world wide. In 1992, for instance, the EU provided 42 percent of world aid.[29] This clearly raises questions of relevance to the target of campaigning and lobbying activities.

In this complex structure then, several institutional forces came into play to bring about the common position on East Timor in June 1996: The Asia Working Group? Particular member states? The Commission itself? Role of the Presidency?

Section Two: Analysis of the Common Position.

There are at least two ways in which an interpretation of the common position can be framed. It can be viewed as a maximalist document; only what has been specified in it can be considered. Or, it can be viewed as a minimalist document; it provides a basic enabling document which could lead to several, as yet unspecified, policy implementations or actions. As will be made clear in the section below, it may be difficult to make any final assessment for some time. On the other hand, the lack of initiatives to date, outside considerations on the aid package, tempt a conclusion of minimalism.

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[28] For a very clear step by step account of the relations between the institutions see chapter 4 in Nicoll and Salmon, 1994.

[29] Putzel, James, "How decisions are made about European aid", CIIR Report: The accountability and transparency of European official development assistance: 1.2. This piece of research provides details of the design and implementation of development projects and provides suggestions to overcome the lack of accountability and transparency in the process. See also Santos Ronet, "Transparency and Accountability of European Development Assistance" in *Philippines Development Briefing*, No. 9 March 1995, (CIIR) which makes eight recommendations for change within the EC.

Before attempting to assess the document according to these alternatives, the details of the work itself must be examined.

The Common Position clearly asserts that East Timor is an international issue thus rejecting claims which Indonesia might make that involvement by any other state was an infringement of sovereignty. This is a vital starting point in terms of the finding of a solution. It affirms that international law (human rights articles of the UN for instance) supersedes more narrowly defined 'national law' of Indonesia and the occupied territory. Article 2.4 asserts this further by calling on the Indonesian government to implement relevant decisions adopted by the UN Commission on Human Rights. Furthermore it supports the long-standing UN sponsored talks between Indonesia and Portugal and the intra-Timorese talks between the Timorese and the Indonesian government. Article 2.5 sets out a specific policy; that of committing aid resources available to the EU to strengthen human rights in the territory and the situation of the people.

What is immediately remarkable, because of its absence, is the failure to refer specifically to the issue of self determination. Article 1.1 refers rather to the 'legitimate aspirations' of the Timorese people, a somewhat vaguer notion which may or may not translate in to aspirations of political status for the territory. Given that the UN had declared the occupation illegal under international law and the tenet of all EU statements on the region has been framed in the context of the illegality of Indonesian rule and given that the cp reasserts its support of the UN's involvement in the region, this requires analysis. One explanation might refer to a desire to soften the blow, in terms of the response of the Indonesian government.

A second remarkable aspect of the common position is that of the five policies which the common position refers to, four deal with already existing initiatives under the aegis of the UN. The fifth, as stated, proposed aid for the territory which, importantly, is conceived as *instrumental* (my emphasis) to improving the human rights situation. This is, in contrast to the general tone of the common position, a highly politicised and indeed potentially controversial view of aid.

Clearly the common position views itself as figuring into UN policies in the region and in this sense, can be viewed as a reaffirmation on the part of the member states of the UN's approach and initiatives. Importance of the EU as a single voice (exceptions over vote on China when EU vote collapsed leaving officials red-faced etc..) within the UN. EU bloc represents a growing number of countries including those lined up for accession, and EFTA.[30] While the China collapse indicates the weakness in the common foreign policy approach (differing national interests competing with the need for a single

[30] On July 11 1996, for instance, EFTA countries, members of the **European Economic Area (EEA???),**the Central and Eastern European countries associated with the EU and the associated countries of Malta and Cyprus issued a statement supporting the EU's common position of some months earlier. See Council of the European Union, Declaration 8911/96 (presse 206), Press release, P. 58/96.

voice on a controversial vote) there is no reason to believe that agreement will not be sustained on any development from within this bloc which emanate from the common position.

- set in context of EU/ASEAN talks.
The early 90's witnessed a change in attitude of the EU towards Asia. the principle factor in motivating this change was economics - specifically trade and investment. In 1994 the Commission produced a document entitled *Towards a New Asia Strategy* which portrayed a scenario of European member states (and the EU) losing out to ongoing gains being made by Japan and the USA in Asia. As the main economic organisation in the region ASEAN (the Association of South Asian Nations) provides invaluable opportunities for the implementation of newly worked policies. The change was not just in degree of attention being paid to Asian trade and economic relations but in other levels also. The EU's aid policy towards the region shifted from one based on development co-operation to one based on economic co-operation and diplomatic initiatives on issues of democratisation and human rights shifted from confrontation to 'constructive engagement'.[31] In the language of political economy, this shift is perhaps best understood within a neo-liberal framework of international relations which argues that trade, based on co-operation and partnership, will act as the engine of economic development which is the best guarantee of promoting greater democratisation and civic freedoms.

- implications of CFSP for 'national' policies.

Perhaps the most significant impact of the CFSP on national policies is that it will, increasingly over time, sensitise officials from member states to the interests of others. This impulse towards what has been called the 'European reflex'[32] predated the CFSP but will be deepened by it. This is because, as stated above, the CFSP requires not just co-ordination of actions between states but consensus on a common (i.e. single) foreign policy position. While individual members may decide to go it alone, if they feel strongly enough about an issue, such a decision may not be politically or strategically advisable. It may be the case that a Common Position must first be thoroughly exhausted of possibilities before a state will consider stepping outside its ambit. This has the result of streamlining much of the political/diplomatic policies of the EU towards the particular target country.

However, as is clear from the arms trade and, for instance, from the role of Portugal, this does not prevent members states from carving out individual roles and relationships. Portugal, with its constitutional requirement will continue to maintain its special relationship with the territory. Britain, because of its arms trade, is also in a special position. Other EU states?

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[31] Stankovitch, Mara, 1996 (check).
[32] de Schoutheete, Phillippe 1980, quoted in McKernan, Padraic 1984, 'Ireland and European Political Co-operation' in *ISIA*, Vol. 1. No. 4:21.

The most significant implication for the national policies of the existence of a common position, such as that on East Timor, is perhaps that no country is likely to engage in unilateral activities which would require going beyond the framework of the CP. Bringing this point into the arena of action within the national polities, activists can very positively thus, frame their proposals, campaigns and suggestions within the general aspirations and aims of the CP. Its vagueness, in this sense, is welcome. A co-ordinated campaign throughout EU member states to, say, begin a sports and cultural boycott in the face of continued reports of human rights abuses, would not be outside the framework of the CP. It just hasn't been specified within it. It is not precluded. But it does require that the idea come from within the polity of the majority, if not all, the member states.

The central question here is to what extent the CFSP enhances or diminishes the scope for action by individual members states. Clearly, for smaller EU members, such as Belgium, Ireland and Denmark, participation in a collective foreign policy action or policy amplifies the potential impact and power which can be wielded. It would be hard to argue that, on their own, any of these particular states could have any impact on Indonesia's policies in East Timor. The key institutional impact on national policies, is that the CFSP requires multi-lateral agreement and action. In this sense, the notion of a national policy in relation to a particular issue, no longer has any coherence.[33] State's must carry other members states with them albeit, inevitable, evincing a compromise on original goals. This means more work for officials, greater co-ordination among like minded states and a commitment to a long haul.

An important factor in anticipating how states respond to a common position is that of intent. Should any member state be fully committed to bringing about change in a territory, CFSP requirements can be, in fact, enabling albeit requiring patience. In contrast, should a member state desire to wash its hands of the situation in East Timor, or elsewhere, CFSP requirements provide an excuse for inaction, prevarication and delay.

Solidarity groups and NGOs have a particular function here and it is perhaps within this juncture that they can have the greatest impact. As representatives of civil society within their national polities and within the greater European polity, their job is to ensure that the CFSP process does not lead to paralysis of decision making. This equally requires more work, greater co-ordination among like minded organisations and a commitment to a long haul.

Section three: Implementation of the CP.

An immediate initiative of the Irish EU Presidency during the round of EU/ASEAN talks held in Jakarta in July 1996 was not successful in the wake of the cp. The Presidency had sought to send a vote of congratulations to the

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[33] This is not to say that all and every initiative in relation to East Timor must be agreed by all member states. For instance the decision by Robin Cook to provide scholarships for East Timorese to UK Universities was a particular national initiative framed within the general thrust of the broader UK/EU policy. reference needed here.

two new Nobel Peace Prize winners, Jose Ramos Horta and Bishop Carlos Belo. The proposal was blocked by Germany and no vote was passed on behalf of the Union. Ireland did however issue its own vote of congratulations. During the talks, the President raised the EU concerns about human rights. He referred Indonesian to the common position and the commitment to the achievement, by dialogue, of "a just settlement which respects the legitimate aspirations of the East Timorese and is in conformity with the Charter of the United Nations".[34]

It is clear that Indonesian is not happy with mentions of the human rights situation during trade talks. A press release issued by ASEAN during an informal summit held in November 1996, was highly critical of "the efforts of one member of the EU" to introduce extraneous issues such as the question of East Timor" into EU/ASEAN proceedings.[35]

During the Dublin summit (December 1996) the European Council/Council of Europe (?) adopted a conclusion welcoming the EU moves (the CP) and reaffirmed its support for all efforts which could "contribute to a fair, comprehensive and internationally acceptable solution, which fully respects the interests and legitimate aspirations of the Timorese people in accordance with international law".[36] In the months immediately after the adoption of the Common Position the main proponents of action within the Union was Portugal. In October of 1996 Portugal proposed to its EU partners that movement be made on two fronts: delivery on aid and brining about an improvement of the human rights situation.

However, the Council (Asia Working Group?) proposed that the Commission move on the aid aspects of the Common Position only - albeit 2.5 did link aid to human rights. The Commission's announcement of the 6 million ECU package was made on November 27th and the Asia Officer of DGI8 began the process of drafting project proposals. Because of the dominance (?) of Northern Catholic aid agencies working on the ground in East Timor, the Commission turned to these organisations as partners in the aid programme. As per procedures within the Commission, potential partners were engaged in a long consultation process to design and implement appropriate aid programmes. The leading agency within the Commission was the desk of Richard Arndell.

The European Commission took a decision to operate in three areas of activities; health and sanitation, education and on water projects. The International Committee of the Red Cross was to be asked to take responsibility for the water and sanitation project. (See minutes of Brussels meeting 29/01/97?) At this stage of planning, it is entirely conjectural to speculate on the impact of the aid programme in terms of either its

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[34] Press Release issued by the Taoiseach's Office, Presidency of the European Union, July 24 1996. "Tanaiste tells Jakarta Meeting of EU Position on East Timor".

[35] Press Statement, the First Informal meeting of the Heads of Government of ASEAN, Jakarta, 30th November 1996. Copy from Department of Foreign Affairs, Dublin.

[36] European Council, Presidency Conclusions, Dublin 13th and 14th December 1996.

developmental impact (by this I mean its capacity building effect, its delivery on health care and sanitation improvements etc..) or its political impact. What is important to keep in mind, despite the focus on 'humanitarian' aid which the European Commission is keen to make, is that the common position envisages aid as a means towards '*generally strengthening respect for human rights in East Timor*'[37](my emphasis). In other words, aid, has been viewed by the EU as an instrument towards the more political and arguably more profound goal of improving human rights.

A detailed study of an aid programme undertaken by NGOs and the EC in Cambodia has shown that often conflicting approaches were taken in the process. NGOs (both international and local) prefer small scale projects which take a long term view based on community development and developmental paradigms and values. The EC, in contrast prefers large scale projects, with short term 'rapid impact' approaches which prefer working through governments and utilising sophisticated technology.[38]

The CP may have been a key factor in explaining the coherence and vehemence of the EU's motion that was adopted by the UNCHR in Geneva in April 1997. The main movers behind the motion at the European level were Portugal and the Netherlands, which held the Presidency of the EU at the time, but it was solidly supported by all members. However, it has also been suggested that much of the impetus came, not directly from European based officials, but those at the UN who had been seeking an opportunity to raise the issue of human rights in East Timor regardless of the common position.[39] In other words, the agreement already reached in Europe made this easier but the UN vote did not necessarily derive from the c p.

The vote was carried by a margin of seven in favour. Among the states that supported it were Austria, Canada, Denmark, the United States, Canada and Mozambique. China, Cuba and Zimbabwe, along with several Asian states such as Indonesia, Malaysia and Sri Lanka, opposed and 17 states abstained including Japan, South Africa, Argentina and Colombia.[40] The Commission had once before, in 1993, adopted a resolution on Indonesia and pro forma statements on the issue had been issued (?) by its chair annually since. However, a particularly keen Dutch Presidency of the EU and the continuous efforts of Portugal at both EU and UN level ensured that a strongly worded resolution would be passed and presentations on torture, arbitrary detentions

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[37] Common Position, as above, Article 2.5.

[38] Ballard, Nicola, 1996. The study was of a $44 million project for rural development in Cambodia which ran from January 1995 - June 1997.

[39] Personal interview with Irish official involved in the UN vote, 21 July 1997.

[40] The full voting record is as follows. For: Angola, Austria, Brazil, Bulgaria, Canada, Cape Verde, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Mozambique, Netherlands, United Kingdom, United States of America and Uruguay. Against: Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe. Abstained: Algeria, Argentina, Belarus, Benin, Chile, Colombia, Ethiopia, Gabon, Guinea, Japan, Mali, Mexico, Nicaragua, Republic of Korean, Russian Federation, South Africa, Uganda and Zaire.

and other human rights abuses by UN officials during the April discussion in Geneva brought support from across the continents.

While, customarily, the state being discussed in a resolution will participate in informal negotiations in the process leading up to the vote in the chambers of the Commission, Indonesian representatives chose not to. Its response to the motion was, perhaps, predictable. The Indonesia government was reported as being 'furious' and commented that the resolution was one-sided and highly intrusive.[41] It is possible that Indonesia underestimated the strength of opinion in favour of the motion. If this is the case, the motion must be seen as a serious blow to its policy of keeping a significant number of key players on its side and maintaining the principle of sovereignty as absolute. On the other hand, it has been argued that the motion must be viewed with caution until there is greater coherence between the diplomatic as well as trade, aid and financial policies adopted by individual UN members towards Indonesia.[42]

On difficulty which that CP has thrown up is that relating to what's known as 'coherence' between the content of the document and the trade, economic and/or diplomatic policies of individual member states. The problem underlined here is that of consistency of policy, between the Union and its individual member states (vertical) but also between the European Community's external relations and the CFSP (horizontal).[43] This is a problem which is not particular to the EU's relations with Indonesia but is perhaps particularly acute there because of the issue of sovereignty of the territory. The EU members states, under their acceptance of the UN motion, reiterated by the common position do not accept the legitimacy of Indonesian rule in East Timor.

This is a problem which must be resolved within the CFSP itself and the Amsterdam summit went some way towards providing an 'out' for individual members who feel their 'key' national interests might be threatened by a collective policy. The problem of coherence is also one which applies at a UN level. It has been suggested that while the 53 Session UNHRC vote was a very welcome move internationally, it should be greeted cautiously until there is greater co-ordination between aid, trade financial and diplomatic policies adopted by Western governments towards East Timor. This point is of greater significance than that of the immediately apparent one of ensuring coherent action against Indonesia to attempt to bring about change. It also has implications for how the EU and the West is viewed within Indonesia and in Asia. The 'double standards' which the EU appears to be applying in its treatment of Indonesia (criticising human rights abuses while continuing to provide arms and military equipment) can be seen to undermine any European involvement in the region.[44]

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41 *Maubere*, June 1997.
42 *Timor Link*, No. 39, 1997.
43 Krenzler, Horst-Gunter, and Schneider, Henning C., "The Question of Consistency" in Regelsberger, Elfriede et al (eds.) 199?: 133.
44 Interview with Irish aid agency personnel, 27 August 1997.

The role of the EU in UN talks?

Tripartite talks between the governments of Indonesia and Portugal and the All-inclusive Intra-East Timorese Dialogue (AIETD). Both under the auspices of the Secretary General of the UN. (How does Portugal seek to represent EU opinion etc..is it engaged in a dialogue with EU members on its role in these talks?) The latest round of talks took place in New York from 4 to 7 August and were chaired by the special Ambassador from the UN Jamsheed Marker. They were unique in that talks took place between officials (see below) however, as expected perhaps, no great break through took place. According to press statements issued after the talks they were held in a 'constructive and business-like manner' and agreement was made to continue them at a future date yet to be agreed.[45]

Discussion/Conclusion/Some Points.

* It would not be an exaggeration to say that the implementation of the common position has been slow, unsystematic and some what confused. The lack of transparency and openness underlines the sense of lack of urgency and commitment which prevails. In April of 1997, Christine Oddy (UK, Socialist Group) was informed in response to a Parliamentary Question in the EP that "the Commission is currently examining all possible means for assisting the development of the people of East Timor, particularly in the fields of health, sanitation and education. No decision on these matters has yet been taken. However, any action would be taken in accordance with the principles of good management, including proper provision for local consultation, monitoring and evaluation".[46] Six months later (in September 1997) in response to questions for this research, a Commission official involved in the disbursement of the aid package stated that the official position was "all we can say is that we are in the process of preparing the implementation of the aid package". No further information was forthcoming on the decision making procedure, the timing, the goals and so on. Attempts to speak to other members of the Commission involved in political relations with Asia, human rights dimensions and specifically the aid package itself failed gloriously. Such high levels of secrecy seem in inappropriate given that the common position is now 15 months old and that officials have been engaged with its implementation for over a year.

The delay in implementing and the singular focus on the aid package (and not other dimensions of the common position) lead to several possible interpretations. It could be that the EU has taken the minimalist approach to how it views the document. This means that serious and prolonged campaigning will be required to ensure that it does not rest gathering dust. It must be translated into common actions. It could, also, reflect the level of uncoordination and tension which exists between the institutions of the EU.

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[45] Full reference needed. Press release issued by CIPRA, Lisbon, 13 August 1997. **(check Portuguese Embassy).**

[46] Source?

The decision making process and the enactment process are inherently slow. There does appear to be particular tension as to whether the aid package is derivative of the common position (and therefore within the remit of the CFSP) or whether it originated in the office of Commissioner Marin - the Commissioner for development aid and co-operation. While negotiations on the implementation of the package are being co-ordinated and managed through this office, the shape it takes clearly has political dimensions which involve other offices within the Commission. Such tensions will cause delays. Commission notoriety for 'turf wars' and competition over competencies.

The possibility of demanding accountability for the internal process of implementation is limited. The European Parliament's power within the process of decision making is limited to the 'right' to be informed and consulted and to vote on budgetary issues. Increased expenditure on CFSP activities within the EU may bring some increased control but it is still limited. It has no control over the content of common actions or positions. It may be the case that working through national structures is more productive (by fomenting good relationships with national officials involved in daily negotiations with the Commission office and working at the level of the Council). The CFSP still remains basically an 'intergovernmental' structure as opposed to a community structure and thus national parliaments and national polities do remain an important channel of accountability. However, the traditional of public discourse and (national) parliamentary involvement in demanding accountability of foreign policy decisions is not strong. Where foreign affairs committees (within national parliaments) exist, these perhaps provide the greatest potential.

However, the fact is that the EU has produced its position on East Timor and it is unlikely that any new, additional measures will be introduced and/or discussed outside of its remit. There is no other mechanism through which EU policy will be implemented and national policies will be framed.

* In relation to human rights issues it may be the case that advocacy by groups in the 'First World' on behalf of 'Third World' peoples is best understood in terms of bringing about incremental change in the global environment rather than effecting direct change. It is common nowadays to posit the need for change to emanate from within the group/region most needing it. A foreign policy of any state which consistently carries a human rights agenda can bring about profound change over time by indirectly sensitising staff in the target state's embassies to become aware of how their governments actions may, in long run, involve a cost. It may also serve to strengthen and validate human rights groups active within the target state. And finally it may serve to, over time, normalise the expectation of human rights observance at the level of inter-state and transnational relations.[47] In other words linking a 'successful' human rights campaign at a local level to immediate change in the target country may not be a useful starting point.

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[47] Luard, Evan, 1981: p ?? (check).

The importance of this cannot be underestimated in terms of the impact of the continuous negative publicity on the confidence and esteem of Indonesian diplomats and officials abroad. They must carry the burden of the decisions made by the Suharto regime. Each time Indonesian occupation is questioned either in terms of its legitimacy, or aspects of its rule there, this requires the regime to present a defence again. While frequently this defence is an outright denial of wrong doing, or an outright denial of the questioners right to raise the issue, and thus does not bring about dialogue, its uttering requires an internal dialogue which maintains internal pressure. In this regard the recent decision in the Portuguese/Indonesian talks, that negotiations will be carried on in the future by officials rather than representatives, represents progress and also an enhanced opportunity to generate a dialogue between Europe (Portugal) and Indonesia. As professional diplomats their investment in the status quo is not necessarily as high as it is for representatives whose political careers might ride on the fate of East Timor. This indicates access an a dialogue at a deeper level. Diplomats are also more vulnerable to pressure from their colleagues at an international level.

* Importance of recognising 'weaknesses' within the Indonesian system. for instance, disputes within military, role of domestic resistance (student organisation), foreign ministry people.

* Potential of new Human Rights Commissioner Mary Robinson who took up her position in September 1997. Her record in human rights both in Europe and throughout the world. Relationship with the UN Secretary General - also committed to human rights issues. Possibility of a re-invigoration of creation of a positive global atmosphere for human rights.

* Possibility of a sports/cultural boycott. (Viz: Boyzone experience in Ireland when the ETISC used the pending trip of Irish pop group to Indonesia to discuss the issues of human rights in East Timor and the possibility of a boycott. The controversy generated significant and serious coverage.)

How valid is the issue of a sports and cultural boycott. In South Africa, the boycott's effectiveness was deemed twofold. Firstly, it served as an mobilising force for public opinion. while the importance to attached to this is often deemed 'symbolic' - but not necessarily without importance - it is also that the case that if the public is behind a campaign, political leaders are more likely to take it seriously as a political issue. Secondly, each individual case of a boycott 'hurts' the target country in that it creates a feeling of 'pariah' status. it is important that the boycott is supported within the target country itself by those involved in political activities as the ANC supported the boycott of South Africa and the application of limited sanctions.

In relation to a proposal for sanctions generally, it must be recognised however, that as a weapon of coercion or inducement to change, they are not in favour within the international community because of the ability of states to circumvent them. But, in relation to a sports and cultural boycott, it could be said in response, such an 'out' is not applicable. There is only one Boyzone

and if the group decides, as it has promised, on its next Asia tour, to boycott Indonesia, then finding a substitute is not an option for Indonesian authorities or business interests. The decision not to play, itself, is directly effective.

However, as yet there is no evidence of a call for a boycott from within Indonesia.[48] National support in the target country is crucial for the success of a boycott. This issue thus is not by any means clear. In the absence of a boycott, however, the Irish Boyzone experience indicates how creative opportunities can rise to generate publicity and foment national debate.

* Role of the Portuguese Platform of NGDOs?

* Importance of presence of NGOs involved in aid delivery as witnesses. In this sense, even if, in the worst possible scenario, the aid package was to do little to facilitate the improvement of human rights directly, the presence of outsiders on the ground in East Timor, is of itself political. While aid package does not appear in any formal way to include political/human rights work, the presence of deliverers, evaluators etc.. on the ground does keep a channel of communications open between East Timorese and solidarity groups, human rights groups. EU could choose to send regular evaluation teams (given particularity of the context - not like other aid packages) whose presence could again act as witness.

* Finally, there is the issue of perspective. It is possible that, globally speaking, the EU may not be a very significant political or diplomatic actor in the region. The ease with which Nelson Mandela gained access to Xanana Gusmao and to the Indonesian regime and the speed with which his requests were acceded to is significant. Notion of South/South solution - historical hostility towards the 'North'. Notion of Javanese culture - Suharto's acceptance of advice from an older man, Mandela's past friendship with Suharto, Suharto's admiration for Mandela etc. Even if this is the case, EU should not be allowed take a back seat. The fact of the common position, again, creates possibilities.

Section Four: Recommendations

1. European NVO's should not loose sight of the framework for action provided by the common position on East Timor to hold their home governments to account in relation to developing relations between members states and the EU and Indonesia. The common position should be viewed, strategically, as an enabling document whose minimalism is permissive rather than restrictive. While the document is not binding in any legal sense it is binding politically and morally. From the point of view of pushing its utility to the maximum, it is important that the EU does not consider the delivery of the aid package as a complete discharge of its responsibilities towards the territory under the document. The power of the Common Position as an enabling document is underlined even further in the context of

[48] In contrast, for instance, a call for a boycott of Burma has come from within the country. **(check)**

other instruments (?) which the EU has at its hand. During the Gulf crisis the European Parliament passed a resolution on the arms trade which has implications for trade between the EU and Indonesia. This resolution, inter alia, called for a 'ban on the export of arms, goods and technology capable of being put to military use to countries which ignore the internationally recognised standards of human rights, in particular the Fourth Geneva Convention...and to ensure...that this band is applied to by all countries with the aid of the United Nations and by any other suitable means."[49]
According to one senior diplomat involved whose mission has been involved in East Timor campaigning, the solidarity organisations need to develop the skills of military campaigners with leaders and 'foot soldiers' who will keep the ET issue to the fore. Elected representatives do respond to public pressure and the common position can provide the frame to organise such a campaign.

2. European NVO's should focus on the member states of the Troika at any particular time to provide particular lobbying opportunities. The role of the UK, given the New Labour policies and forthcoming participation of the UK in the Troika, provides a particular opportunity. In terms of the UK's involvement with Indonesia the arms trade provides a key issue. the ground work for such a focus is already laid in the UK: some sectors calling for a total boycott of arms. Amnesty and Safeworld have called for an end to the export of water cannons, APCs small arms and surveillance equipment (Need to look at sale of these arms to other countries where such equipment is also used for internal oppression.) CIIR and Safeworld also recommend that no Hawks, in the future, be sold to Indonesia and that the basis for past sales be publicised. Internally, within New Labour, campaign known as the Campaign Against the Arms Trade (CAAT) will target NL's annual conference in Brighton in October to gain significant changes from the leadership. The UK arms trade to Indonesia has been widely viewed as a 'test case' of Britain's new 'ethical' foreign policy.

However, Britain's potential must by balanced by the fact that the power of the Presidency to set the agenda within the EU is limited by the CFSP itself and by the associated requirement (of the Presidency) to find "consensus around which proposals can be built".[50] Thus the acquiescence of member states is required on an issue no matter how powerfully motivated or engaged any particular Presidency may be. Research on the Irish Presidency of the EU in 1996 concluded that, in fact, the office circumscribed the ability of this particular state - which had a strong national policy in support of East Timor - to push the issue within the EU.[51] The Presidency furthermore acts as the representative of the Union on all matters which concern CFSP positions.[52] In other words on becoming a 'President' of the European Union any particular state must take on board not just its historic or current agenda but those of other states too.

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[49] Official Journal of the European Communities, Resolution No. C129/140, 18 April 1991, Resolution on the arms trade.
[50] Holland, Martin, 1995: p ?? (check).
[51] Ward, Eilis, 1997: p?
[52] Edwards, G. and Nuttall S. (1994): 100.

In balance however, the Labour leadership has shown a capacity for unilateral action on Indonesia - this can be exploited within the UK but also within other member states. Potential of Presidential 'example' provides a good lobbying opportunity within other member states.

3. The EU should press the issue of establishment of human rights office in Dili, not in Jakarta and view it as derivative of the common position.[53] Robin Cooks receptivity to such suggestions should be again isolated. Difficulty of Jakarta not accepting such a proposal needs to be acknowledged however. UNHRC 1997 motion can be used as a level to prompt receptivity to this - called for invitation of human rights workers to East Timor especially the human rights rapporteur. Importance of this issue as a campaigning issue with the EU. Perhaps can be linked to EP delegation. General agreement from this research that this is an important strategic, symbolic and practical issue.

4. European NGO's should prioritise the forthcoming ASEM/EU Meeting in London next April for the presentation of a co-ordinated common position of policy options to the EU and to the member states. The Parallel conference being organised can act both to campaign and generate publicity.
A campaign will require significant ground work in member states who should be encouraged to raise the common position during the talks. Need for NVO's in each member state to be briefed by their respective officials on that state's understanding of its particular role and responsibility etc. within the talks and to generate a national dialogue between NVO's and those officials and representatives. Importance of identifying workable strategic positions, positive proposals which are one step ahead of the Indonesians. Need to thus 'equip' sympathetic officials and politicians with ideas which are reflected throughout the other members states. (collaboration; see below)

5. European NVO's should make greater use of East Timorese exiles throughout Europe in their campaigns. This point was raised (again) at the conference in Oporto last July. However, they must take into consideration the need to fully support, financially, structurally and in terms of personal, emotional and psychological demands, the needs of the exile. Linguistic and cultural barriers are difficult, local knowledge takes time to acquire and significant links into local solidarity communities are required. Stress the importance, thus, of working in partnership with exiles and of recognising differences among the exiles themselves which might make 'unity' a challenge to achieve.
An new initiative, expected to be launched by the East Timorese resistance early in 1998 will enhance the organisation of cross-border and cross-organisation activities. This initiative is expected to unite the three fronts - the diplomatic (UDT), the armed resistance (Falintil) and the ? (Xanana Gusmao) in one unified structure which will work towards common goals. The implications of this move for activists in Europe are many not least of all because it will allow greater unity among East Timorese exiles and those campaigning on their behalf behind that common banner.

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[53] CIIR Briefing. "Seizing the moment: Changing UK policy towards East Timor", July 1997.

6. European NVO's need to professionalise and develop more strategic lobbying at a national and European level. The level and extent of Indonesian organisational propaganda at EU level cannot, perhaps be matched, but a counter campaign Good activists and good development workers do not necessarily make good lobbyists. Capacity building in this regard is required and activists should familiarise themselves with the 'nuts and bolts' of EU decision making and institutions. Co-ordination of efforts on all key dates and events will dramatically enhance the outcomes. the experience of co-ordination during the UNHRC vote underlines this.

7. The European Parliament should press with its intentions of sending a delegation to East Timor and should use the opportunity to revitalise the common position. EP members in member states should be appraised of the situation in East Timor and encouraged to go and to generate national and local publicity from their trip (generate a high profile trip)
In 1997 a new Intergroup of the European Parliament, the Intergroup for Solidarity with the People of East Timor, was established largely from the office of Finnish Green MEP, Heidi Hautula. With the Parliament, such groups exist across the Parliament to provide a platform for concerted action on particular issues. Given the limited role which the Parliament has in policy formation, the role of the group is thus also limited. However, the group can serve two important functions. Firstly, it can act as a clearing house/information centre for aspects of EU policy on East Timor. The offices of the three co-chairs of the intergroup, those of Ms. Heidi Hautula, Mr. Tony Cunningham (UK/Labour Party) and Carlos Costa Neves (Portugal, Socialist Party?), are willing to act as clearing houses for information on EU policy. they see their function as acting as the Parliamentary watch dog and are keen to work with NVO's in this regard.[54] Secondly, while the Parliamentarians do not have a direct say in decision making on policy development, it is important that the issue of East Timor is kept alive within the Parliament.

[54] Personal interview with the assistant to Heidi Hautula, Ms. Iiris Kivimaki, 5 September 1997.